



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 20 2011

Mr. Don Anderson
Superintendent of Buildings
Walpole Public Schools
135 School Street
Walpole, Massachusetts 02081

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c);
and § 761.79(h)
Fisher Elementary School

Dear Mr. Anderson:

This is in response to the Notification¹ by the Town of Walpole Public Schools (Walpole Public Schools) for approval of a proposed PCB cleanup plan at the Fisher Elementary School located at 65 Gould Street in Walpole, Massachusetts. Specifically, the lower gymnasium floor contains PCBs that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. PCBs have been found in the waterproofing floor mastic, the cork insulation, and the concrete located beneath the wood floor.

Walpole Public Schools has requested an approval under 40 CFR Part 761 to clean up and dispose of the PCB-contaminated materials, which includes the following PCB cleanup standards and major activities:

- Remove all waterproofing mastic/felt and cork insulation and dispose as a greater than or equal to (\geq) 50 ppm PCB waste in accordance with § 761.62 (a) at a RCRA hazardous waste landfill or TSCA-approved chemical waste landfill;

¹ The notification was prepared by Fuss & O'Neill on behalf of the Walpole Public Schools to satisfy the Requirements under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated October 1, 2010 (SIP); October 27, 2010 (Response to Comments); December 28, 2010 (revised SIP); and, January 6, 2011 (contact information via e-mail). These submittals shall be referred to as the "Notification".

- Remove PCB-contaminated concrete with greater than ($>$) 1 ppm and less than ($<$) 50 ppm and dispose in accordance with § 761.61 (a) at a RCRA solid waste landfill; and,
- Conduct verification sampling of decontaminated concrete to document that the PCB cleanup standard of less than or equal to (\leq) 1 ppm has been met, which is consistent with the cleanup and disposal requirements for unrestricted use or disposal under § 761.61(a).

With respect to the upper wood floor and associated black mastic which have PCB concentrations at < 50 ppm, Walpole Public Schools has determined that these materials meet the definition of an *Excluded PCB Product* as defined at 40 CFR § 761.3. While EPA does not agree that sufficient justification was provided to support that the *Excluded PCB Product* criteria under § 761.3 have been met, in the Notification Walpole Public Schools is proposing to dispose of the wood floor and associated mastic as a < 50 ppm PCB waste in a RCRA solid waste landfill. The proposed disposal of these materials is consistent with the requirements for disposal of < 50 ppm PCB wastes in accordance with § 761.61(a)(5). In the event that PCBs at ≥ 50 ppm are found in these materials, Walpole Public Schools shall be required to dispose of these materials at a RCRA hazardous waste landfill or TSCA-approved disposal facility.

With the exception of the characterization sampling frequency for *porous surfaces* (i.e. concrete), the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the characterization sampling frequency, the PCB sampling to-date appears to indicate that following removal of the waterproofing mastic/felt and solvent washing, the PCB concentration in the concrete will be < 50 ppm. However, limited data was provided to support this determination. Thus, EPA is requiring sampling of the concrete following solvent washing and prior to scarification to confirm that the PCB concentration is < 50 ppm (see Attachment 1, Condition 13.) EPA finds that the sampling to-date in conjunction with the additional sampling during cleanup will be adequate to determine the PCB concentration in the concrete for off-site disposal. EPA finds that the activities proposed by Walpole Public Schools will create no unreasonable risk when conducted in accordance with the Notification and this Approval. EPA may approve the sampling for off-site disposal under § 761.61(c).

Walpole Public Schools may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1. Please note the following condition in Attachment 1:

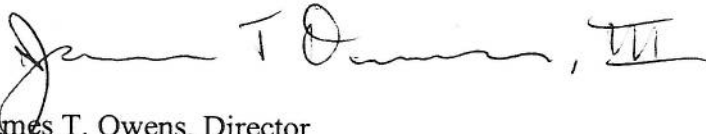
- Condition 13a. This condition requires additional characterization sampling prior to concrete removal and notification to EPA in the event any characterization sample is ≥ 50 ppm. EPA is retaining its rights to re-evaluate its determination on the characterization sampling for off-site disposal if any sample result is ≥ 50 ppm.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "James T. Owens, III". The signature is fluid and cursive, with the last name "Owens" being the most prominent part.

James T. Owens, Director
Office of Site Remediation & Restoration

cc: R. May, F&O
MassDEP SERO
File

Attachment 1

**ATTACHMENT 1: PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
FISHER ELEMENTARY SCHOOL
LOWER GYMNASIUM (the Site)
65 GOULD STREET, WALPOLE MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Town of Walpole Public Schools (Walpole Public Schools) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. Walpole Public Schools must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, Walpole Public Schools shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. Walpole Public Schools is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Walpole Public Schools has or receives information indicating that Walpole Public Schools or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by Walpole Public Schools are authorized to conduct the activities set forth in the Notification. Walpole Public Schools is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release Walpole Public Schools from compliance with any applicable requirements of federal, state or local law; or 3) release Walpole Public Schools from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from Walpole Public Schools of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. Walpole Public Schools shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
11. Prior to initiation of work authorized under this Approval, Walpole Public Schools shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how the wastes will be removed, where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. PCB-contaminated materials shall be decontaminated and verification sampling and analysis shall be conducted as described below:
 - a. All visible PCB waterproofing mastic/felt and cork insulation shall be removed and disposed of as described in the Notification.
 - i) Following removal of the mastic/felt and solvent washing but prior to removal of the PCB-contaminated *porous surfaces* (i.e. concrete) Walpole Public Schools shall collect a minimum of five (5) concrete samples. Concrete samples shall be collected from areas not previously sampled.
 - ii) Concrete samples shall be collected according to EPA's draft Standard Operating Procedure For Sampling Concrete in the Field, dated 12/30/97 to a maximum depth of 0.5 inches.
 - iii) In the event **any** sample is greater than or equal to (\geq) 50 parts per million (ppm), Walpole Public Schools shall contact EPA to determine what modifications, if any, need to be made to the abatement plan for removal and disposal of the PCB waste that will be generated during scarification of the concrete floor.
 - b. The decontamination standard for *porous surfaces* (i.e. concrete floor) shall be less than or equal to (\leq) 1 ppm.
 - i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (i.e. mg/Kg). Samples shall be collected according to EPA's draft Standard Operating Procedure For Sampling Concrete in the Field, dated 12/30/97 to a maximum depth of 0.5 inches and in accordance with the sampling frequency described in Subpart O.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
 - iii) For decontaminated *porous surfaces* that have PCB concentrations exceeding the decontamination standard, Walpole Public Schools may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these materials as TSCA-regulated waste in accordance with 40 CFR Part 761.

14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. Walpole Public Schools shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the Walpole Public Schools to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. Walpole Public Schools shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by Walpole Public Schools in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.

19. Walpole Public Schools shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1